

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jacques HABATJOU

Group Art Unit: 3752

Application No.: 10/830,121

Examiner: J. BOECKMANN

Filed: April 23, 2004

Docket No.: 119426

For: A DEVICE FOR SPRAYING A SUBSTANCE, INCLUDING A REMOVABLE
RESERVOIR

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The courtesies extended to Applicant's representative by Examiner Boeckmann at the interview held January 28, 2009 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

Applicant's representative discussed that the combination of Schillig with Rookard or Schillig with Coffee does not disclose or render obvious the subject matter recited in claims 1, 3 and 4. The Derwent English abstract of Schillig indicates "the hand held paint spray gun which uses a canister as its paint source, has a spiked tube (4) on top, which is used to pierce the bottom of the canister (3)." Applicant's representative argued, based on the Derwent English abstract and Figures of Schillig, that the principal method of operation of Schillig is to pierce the canister. One of ordinary skill in the art would understand piercing a canister with a spiked tube as the forceful insertion of the spiked tube into the canister.

In particular, claim 1 recites, among other features, "a substance outlet passage, the passage opening out at one end thereof on either side of said first partition." As such, "the passage opening out at one end thereof on either side of said first partition" indicates that the at least a portion of the sides of the first partition are inside the "substance outlet passage." On the other hand, piercing a canister containing the alleged "partition" of Rookard in the alleged "substance outlet passage" of Schillig would have a high probability of forcefully damaging the spiked tube, partitions, or canister at the time of insertion. Therefore, this modification would render Schillig unsatisfactory for its intended purpose of piercing the bottom of the canister 3.

The Examiner raised the possibility of construing the "substance outlet passage" to include the central areas of the reservoir that are used for containing a substance. However, it is contrary to the understanding of one of ordinary skill in the art to assert that the "substance outlet passage" includes the central areas of the reservoir that are used for containing a substance.

Claim 3 recites, among other features, "wherein the closure member comprises a ball check valve." Claim 4 recites, among other features, "wherein the spray mechanism comprises a portion in relief arranged, when the reservoir is mounted on the device, to move the ball from a first position closing the passage to a second position opening the passage." As discussed in the interview, it would not have been obvious to try to modify Schillig with Coffee in the manner asserted.

The Derwent Abstract of Schillig indicates "the canister incorporates a self-operating relief valve in its surface." The Examiner questioned whether replacing the "self-operating relief valve" and spiked tube of Schillig with the ball check valve and finger of Coffee would have been an obvious modification. However, because the finger is designed with a flat or a concave end for contacting the ball of the ball valve, the finger does not have a "spike" and

would not be suitable for piercing a canister. Therefore, such a modification would change the principal method of operation of Schillig.

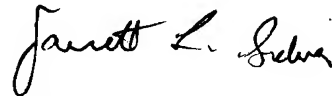
Regarding claim 20, Applicant's representative argued that Schillig in view of Krautzberger or Krautzberger in view of Schillig does not render obvious "a housing for receiving a vector gas supply," as recited in claim 20. The ordinary meaning of the term "supply" in "vector gas supply" indicates a source of vector gas. There are no features in Krautzberger or Schillig that can reasonably be considered to correspond to, or render obvious, "a housing for receiving a vector gas supply."

Claim 21 recites, among other features, "the dispenser valve being secured to the pressurized receptacle and being triggered by tilting a control rod." Applicant's representative argued that Krautzberger does not teach, or render obvious, any features that can reasonably correspond to the above-quoted feature, because air valve 20 of Krautzberger (alleged "dispenser valve") cannot be considered to be "secured to the pressurized receptacle" of Bara. The Examiner noted that air valve 20 is secured to the paint gun. However, being secured to the paint gun does not correspond to "being secured to a pressurized receptacle and being triggered by tilting a control rod."

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3-22 and 25-46 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:JZS/jzs

Date: February 6, 2009

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